

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emma Stydahar	Team: Squad #13	CCRB Case #: 201904988	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/30/2019 6:51 PM	Location of Incident: § 87(2)(b)	Precinct: 33	18 Mo. SOL 11/30/2020	EO SOL 7/17/2021	
Date/Time CV Reported Fri, 05/31/2019 10:54 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/10/2019 11:08 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Austin Hua	31961	961824	033 PCT
2. POM Michael Marzocchi	18312	955142	033 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Austin Hua	Abuse: Police Officer Austin Hua refused to provide his name to § 87(2)(b)	§ 87(2)(b)
B.POM Austin Hua	Abuse: Police Officer Austin Hua refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
C.POM Michael Marzocchi	Abuse: Police Officer Michael Marzocchi refused to provide his name to § 87(2)(b)	§ 87(2)(b)
D.POM Michael Marzocchi	Abuse: Police Officer Michael Marzocchi refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)

Case Summary

On May 31, 2019, § 87(2)(b) called IAB and filed this complaint, which was received at the CCRB on June 10, 2019.

On May 30, 2019, at about 6:51 p.m., § 87(2)(b) and his girlfriend, § 87(2)(b) were visiting their hospitalized daughter at § 87(2)(b). Following a dispute with hospital staff, § 87(2)(b) called 911 to have a hospital security guard arrested for assault. Police Officer Austin Hua and Police Officer Michael Marzocchi, both of the 33rd Precinct, arrived and refused to arrest the hospital security guard. § 87(2)(b) asked PO Hua and PO Marzocchi for their names and shield numbers and left to obtain a pen and paper. Upon his return both officers had left (**Allegations A-D: Abuse of Authority**, § 87(2)(g) No arrest or summons resulted from this incident.

Body worn camera footage from PO Hua and PO Marzocchi was obtained, but the recordings end prior to the point in time of the FADO allegations. The footage can be found in IAs #45 and 46 (**Board Review 01, Board Review 02**), and a summary of the footage can be found in IAs #51 and 53 (**Board Review 03, Board Review 04**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Austin Hua refused to provide his name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Austin Hua refused to provide his shield number to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Michael Marzocchi refused to provide his name to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Michael Marzocchi refused to provide his shield number to § 87(2)(b)

It is undisputed that PO Hua and PO Marzocchi spoke with the parties involved in the alleged assault in the lobby of the hospital and determined that no crime had been committed and that the hospital security staff had been acting within the bounds of their job. § 87(2)(b) was upset by this determination. § 87(2)(b) (**Board Review 05**) said he told PO Hua and PO Marzocchi that he wanted their names and shield numbers and requested that they wait for him to find a pen and paper to record that information. The officers agreed to wait for him to get back. However, after § 87(2)(b) returned with a pen and paper, approximately one to two minutes later, PO Hua and PO Marzocchi had already left the location.

§ 87(2)(b) was uncooperative with the investigation (see IAs for contact attempts).

PO Hua (**Board Review 06**) and PO Marzocchi (**Board Review 07**) both remember responding to a job at § 87(2)(b), meeting the female caller, identified via investigation as § 87(2)(b) outside of the hospital, then entering the hospital lobby, where they had separate conversations with § 87(2)(b) and § 87(2)(b) identified via investigation, the security guard, and the security guard's supervisor. PO Hua and PO Marzocchi learned that § 87(2)(b) was not allowed to visit her child in the hospital without ASC supervision, but she refused to leave, so the security guard forcibly removed her to the lobby. The officers concluded that the security guard had been acting within the bounds of his job and that they would not be arresting him. This upset § 87(2)(b) and § 87(2)(b) who stated that the officers were not doing their jobs. Both PO Hua and PO Marzocchi denied that § 87(2)(b) asked for their names or shield numbers and both denied that § 87(2)(b) asked them to wait for him to return to where they were speaking so he could obtain a pen and paper. Neither officer acknowledged hearing § 87(2)(b) ask any other officer for their name or shield number.

The body worn camera footage that was obtained of this incident (**Board Review 01, Board Review 02**) did not

capture the point in time of the FADO allegations, because pursuant to NYPD Patrol Guide, Procedure 212-123, 11(J) (**Board Review 08**), PO Hua and PO Marzocchi deactivated their body worn cameras because officers are prohibited from recording inside a medical facility.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party. (**Board Review 09**)
- PO Hua has been a member of service for three years and this is the first CCRB complaint to which he had been a subject.
- PO Marzocchi has been a member of service for six years and this is the first CCRB complaint to which he had been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of January 27, 2020, § 87(2)(b) has not filed a Notice of Claim regarding this incident (**Board Review 10**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date